

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-533-MOC-DCK**

AMERICAN TIRE DISTRIBUTORS, INC.,)

Plaintiff,)

v.)

MATTHEW RUMBAUGH, CHARLES)
MAGNEE, and U.S. AUTOFORCE, LLC,)

Defendants.)

ORDER

THIS MATTER IS BEFORE THE COURT on Defendants “Motion To Dismiss” (Document No. 15) filed October 9, 2020. This motion has been referred to the undersigned Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will direct that the pending motion be denied as moot.

Federal Rule of Civil Procedure 15 applies to the amendment of pleadings and allows a party to amend once as a matter of course within 21 days after serving, or “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.R.Civ.P. 15(a)(1). Rule 15 further provides:

(2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.

Fed.R.Civ.P. 15(a)(2).

Plaintiff timely filed an “Amended Complaint” (Document No. 18) on October 13, 2020. See Fed.R.Civ.P. 15(a)(1). The Amended Complaint supersedes the original Complaint. As such, the undersigned will direct that Defendants “Motion To Dismiss” (Document No. 15) be denied as moot. This Order is without prejudice to Defendant(s) filing a renewed motion to dismiss, if appropriate.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.”); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”).

IT IS, THEREFORE, ORDERED that Defendants “Motion To Dismiss” (Document No. 15) is **DENIED AS MOOT**.

Signed: October 14, 2020



David C. Keesler
United States Magistrate Judge

